

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MT. HAWLEY INSURANCE COMPANY,

Plaintiff,

v.

BEACH CRUISER, LLC and FLYWAY
MANAGEMENT, LLC,

Defendants,

and

NATIONWIDE GENERAL INSURANCE
COMPANY,

Intervenor Defendant.

CIVIL ACTION NO.: 1:22-cv-10354

**DECLARATION OF JEFFREY A.
BEER JR., ESQ.**

Jeffrey A. Beer Jr., Esq., pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge and review of the documents discussed herein.

2. I am an attorney duly admitted to practice law before the Courts of the State of New York, and the United States District Courts, Southern District of New York. I am a Partner at the law firm of Riker Danzig LLP, counsel for Intervenor-Defendant Nationwide General Insurance Company (“Nationwide”) in the above captioned action. I make this declaration in support of Nationwide’s motion for summary judgment.

3. Appended hereto as Exhibit A is a copy¹ of an August 26, 2022 complaint filed by Walter Patrick Humphrey in South Carolina state court under caption Walter Patrick Humphrey vs. Beachcruiser, LLC and Flyway Management, LLC, Court of Common Pleas, Ninth Judicial Circuit, Charleston County, South Carolina, Case No. 2022-CP-1003959.

4. Appended hereto as Exhibit B is a copy of a vacation rental contract between Beach Cruiser LLC (“Beach Cruiser”) and Antonio Gallucci dated January 25, 2022.

5. Appended hereto as Exhibit C is a copy of a service contract between Beach Cruiser and Flyway Management, LLC (“Flyway”) dated January 1, 2022.

6. Appended hereto as Exhibit D are copies of letters from counsel for Jonathan Charles Slade dated July 29, 2022 and September 7, 2022 and addressed to Flyway and Beach Cruiser.

7. Appended hereto as Exhibit E is a copy of a Commercial General Liability Policy issued by Mt. Hawley Insurance Company (“Mt. Hawley”) to Beach Cruiser for the period August 31, 2021 to August 31, 2022, bearing policy number GGL0026067.

8. Appended hereto as Exhibit F is a copy of a Commercial General Liability Policy issued by Mt. Hawley to Beach Cruiser for the period August 31, 2020 to August 31, 2021, bearing policy number GGL0019322.

9. Appended hereto as Exhibit G is a copy of a Commercial General Liability Policy issued by Mt. Hawley Insurance Company to Beach Cruiser for the period August 31, 2022 to August 31, 2023, bearing policy number GGL0031463 (the “Renewal Policy”).

10. Appended hereto as Exhibit H is a copy of an August 25, 2022 letter from Mt. Hawley.

¹ All documents appended to this declaration are true and correct copies.

11. Appended hereto as Exhibit I is a copy of excerpts of the February 2, 2024 deposition of Gray Collier as representative of Bass Underwriters (“Bass”).

12. Appended hereto as Exhibit J is a copy of excerpts of the December 15, 2023 deposition of Kevin Brownell as representative of Mt. Hawley.

13. Appended hereto as Exhibit K is a copy of an application for insurance for Beach Cruiser dated September 1, 2021.

14. Appended hereto as Exhibit L is a copy of a Dwelling Supplemental Application form dated September 2, 2020.

15. Appended hereto as Exhibit M is a copy of an email thread dated September 1, 2021 between Bass and USI Insurance Services.

16. Appended hereto as Exhibit N is a copy of an email thread dated February 2, 2022 between Bass and USI Insurance Services.

17. Appended hereto as Exhibit O is a copy of an email thread spanning various dates in August 2022 between Mt. Hawley and Beach Cruiser.

18. Appended hereto as Exhibit P is a copy of a September 8, 2022 inspection order issued by Bass to Allegheny Inspections, LLC.

19. Appended hereto as Exhibit Q is a copy of an inspection report prepared by Allegheny Inspections, LLC.

20. Appended hereto as Exhibit R are copies of a September 8, 2022 invoice and a September 28, 2022 receipt for payment of premium in connection with the Renewal Policy.

21. Appended hereto as Exhibit S is a copy of a November 14, 2022 letter from Mt. Hawley to Beach Cruiser.

22. Appended hereto as Exhibit T is a copy of a notice of occurrence form dated August 3, 2022.

23. Appended hereto as Exhibit U is a copy of a December 7, 2022 complaint filed by Mt. Hawley in the United States District Court for the Southern District of New York under caption Mt. Hawley Insurance Company v. Beach Cruiser, LLC and Flyway Management, LLC, Civil Action No. 1:22-cv-10354-GHW (the “DJ Action”).

24. Appended hereto as Exhibit V is a copy of a December 8, 2022 amended complaint filed by Mt. Hawley in the DJ Action.

25. Appended hereto as Exhibit W is a copy of the Affirmation of Lindsay N. Nevin dated July 8, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 8, 2024

By: /s/ Jeffrey A. Beer Jr.
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